

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

KW-12PCT

Applicant(s) : Hans-Günter Donges, et al
Serial No. : 10/539,530
Int. Filed : December 18, 2003
For : PACKAGING MACHINE PATH COMPRISING A
DEVICE FOR IMPINGING A GASEOUS OR
VOLATILE SUBSTANCE UPON PACKAGINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


SUBMISSION ON INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Sir:

Submitted herewith is the English translation of
International Preliminary Examination Report.

Respectfully submitted,

FK:ml
October 19, 2005

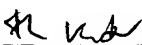


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Encls:
Copy of International Preliminary Examination Report

I hereby certify that this correspondence is being deposited
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an envelope addressed to: Commissioner for Patents, P.O. Box
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October 19, 2005



Friedrich Kueffner

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rule 72.2)

To:

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10. AUG. 2005

Date of mailing (day/month/year)
04 August 2005 (04.08.2005)

Applicant's or agent's file reference
CI0092/A-PCT

IMPORTANT NOTIFICATION

International application No.
PCT/EP2003/014438

International filing date (day/month/year)
18 December 2003 (18.12.2003)

Applicant

CFS GERMANY GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BW, BY, BZ, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/014438

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-6, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-7, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/1, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: US-A-5 271 207 (EPSTEIN MOSHE ET AL)
21 December 1993 (1993-12-21).

1. Document D1 is considered to be the closest prior art for the subject matter of claim 1. D1 discloses a packaging machine path from which the subject matter of claim 1 differs in that the packaging cavities between the deep-drawing station and the filling station are charged with the gaseous or volatile substance defined in the characterizing portion of claim 1.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2. The problem addressed by the present invention can therefore be considered that of increasing the throughput of the machine path.

The solution to this problem as proposed in claim 1 of the present application, whereby the cavities are rapidly cooled to below the temperature required for further processing, is not suggested by the cited prior art.

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The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).

3. Claims 2 to 7 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.